

**REMARKS**

This Reply and Amendment is intended to be completely responsive to the Final Office Action. Claims 1-50 are pending in this Application and currently stand rejected. Upon entry of this Amendment, independent Claims 1, 13 and 38 will be amended to recite subject matter that the Applicants believe is allowable and overcomes the rejections, and independent Claim 26 and dependent Claims 27-37, 39 and 49 will be canceled without prejudice to further prosecution on the merits in future proceedings.

The Applicants respectfully request entry of the Amendment and reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

**Interview Summary**

The Applicants thank the Examiner for the telephonic interview conducted on December 7, 2006, and for the Examiner's prompt consideration of the further amendments proposed by the Applicants. The Interview was attended by Primary Examiner Blair Johnson, and attorney John Lazarus for the Applicants.

During the interview the Applicants proposed amending independent Claim 1 to more particularly recite features that the Applicants respectfully submit are not disclosed, taught or suggested in the prior art of record, including (among others) that the face section is formed as a single piece having a front side, back side, top edge and bottom edge that define a hollow interior, along with a front side having a contoured surface and slot for retaining a cover material over the contoured surface.

Agreement was reached that the amendments proposed by the Applicants (and as specifically recited now in independent Claim 1 as currently amended) would be allowable. Agreement was also reached that the Applicants would prepare and file a second response to the final Office Action that also amended the remaining independent Claims to include features understood to be allowable (or cancel the claims).

In addition to the amendments to independent Claim 1, the Applicants have amended independent Claims 13 and 38 to recite features that the Applicants understand to be allowable (in order to provide claims of varying scope), and have canceled independent Claim 26 (and its corresponding dependent Claims 27-37) to expedite issuance of subject matter understood to be allowable.

The Applicants respectfully request entry of the Amendment and reconsideration and allowance of the pending claims as currently amended.

The Applicants respectfully reserve the right to pursue additional/alternative claim coverage in a continuation patent application.

#### **Claim Rejections**

Independent Claims 1, 13, 26 and 38 currently stand rejected.

Claims 1, 2, 6-10, 12, 38-40 and 44-50 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,039,049 ("Niemi").

Claims 1, 2, 4 and 6 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,505,245 ("Badalamenti").

Claims 13 and 21-25 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,967,213 ("Smiley et al.").

Claims 14-19 and 26-37 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smiley et al. in view of Niemi.

Niemi is directed to a valance [51] that mounts on a curtain rod [10].

Badalamenti is directed to a resilient foam cornice [12] that mounts onto a curtain rod.

Smiley et al. is directed to a window cornice assembly having a front section [60] with an adjustable width, by removing center subsection [63] and abutting side sub sections [61, 65] and using support strips [26] to hold the front section [60] together (see e.g. Figure 9).

Independent Claim 1:

Independent Claim 1 (as amended) is directed to a “cornice system” comprising (among other limitations) an “elongated and substantially rigid face section formed as a single and unitary piece, the face section having a front side and a back side, and a top edge and a bottom edge connecting the front side and the back side to form an enclosed perimeter and a hollow interior” with “the front side including at least a first contoured surface and a second contoured surface extending substantially along a length of the front side” and a “slot extending at least partially along the front side and between the first contoured surface and the second contoured surface, and at least one slot extending at least partially along a length of the back side, the slots providing access to an elongated recess that receives and retains a cover material applied over at least a portion of the face section.”

The Applicants respectfully submit that none of the cited references disclose, teach or suggest (alone or in any proper combination) a cornice system having the features recited in independent Claim 1 (as amended). Dependent Claims 2-12 depend from independent Claim 1. The Applicants respectfully request withdrawal of the rejection and allowance of Claims 1-12.

Independent Claim 13:

Independent Claim 13 (as amended) is directed to a “decorating system” comprising (among other limitations) a “first elongated member and a second elongated member, each formed as a single piece and having a front side with a contoured surface and a back side, and a top edge and a bottom edge connecting the front side and the back side to define and enclose a hollow interior” and a “flap extending from the back side and configured to engage a mounting bracket” and “at least one substantially nondeformable opening on the front side adjacent to the contoured surface, and on the back side to receive a portion of the cover material.

The Applicants respectfully submit that none of the cited references disclose, teach or suggest (alone or in any proper combination) a decorating system having the features recited in independent Claim 13 (as amended). Dependent Claims 14-25 depend from independent

Claim 13. The Applicants respectfully request withdrawal of the rejection and allowance of Claims 13-25.

Independent Claim 26:

Independent Claim 26 and dependent Claims 27-37 have been canceled without prejudice to further prosecution on the merits.

Independent Claim 38:

Independent Claim 38 (as amended) is directed to a “cornice system” comprising (among other limitations) an “elongated and substantially rigid first panel having a front side and a back side coupled to a top edge and a bottom edge to enclose a hollow interior, the front side having a contoured surface and at least one slot between the top edge and the bottom edge to receive a cover material and retain the cover material over the contoured surface” and “at least two second panels and at least one connector for coupling the second panels to opposite ends of the first panel, the second panels each having a front side with a top edge and a bottom edge, the front side of the second panels having a contoured surface and at least one slot between the top edge and the bottom edge of the second panels to receive the cover material and retain the cover material over the contoured surface of the second panels” and a “retainer on the back side of the first panel configured to mount the first panel and the second panels to a mounting surface.”

The Applicants respectfully submit that none of the cited references disclose, teach or suggest (alone or in any proper combination) a cornice system having the features recited in independent Claim 38 (as amended). Dependent Claims 40-48 and 50 depend from independent Claim 38. The Applicants respectfully request withdrawal of the rejection and allowance of Claims 38, 40-48 and 50.

\* \* \*

Upon entry of this Amendment, independent Claims 1, 13 and 38 will be amended to recite (in combination with other elements) features understood to be allowable as discussed in the telephonic interview on December 7, 2006.

The Applicants respectfully request entry of the Amendment and withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) and reconsideration and allowance of independent Claims 1, 13 and 38 (as amended), and dependent Claims 2-12, 14-25, 40-48 and 50 as they depend from their respective independent claims.

\* \* \*

The Applicants respectfully submit that each and every outstanding rejection to the pending claims has been overcome, and that the Application is in condition for allowance. The Applicants respectfully request reconsideration and allowance of pending Claims 1-25, 38, 40-48 and 50.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that a telephone interview or Examiner's Amendment would advance the prosecution of the present application.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12/12/2006

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5591  
Facsimile: (414) 297-4900

By 

John M. Lazarus  
Attorney for the Applicants  
Registration No. 48,367